Competition Requirements

Presented by

Competition Advocate's Office

http://pkec.robins.af.mil/pr/cr.htm

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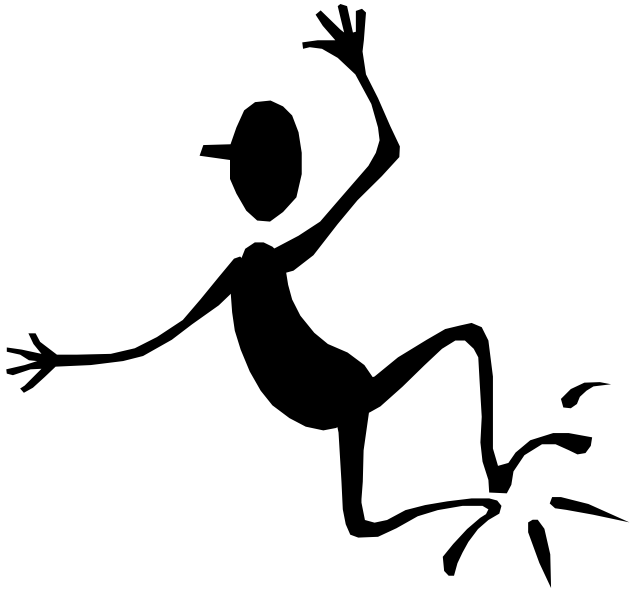
Competition Requirements

- Definition
- SAP
- FAR Part 6
  - Exceptions to F&OC
  - Documentation
  - J&A Overview / Formats
  - J&A Approval Thresholds
- Market Research
- Miscellaneous
- Conclusion



Competition Requirements

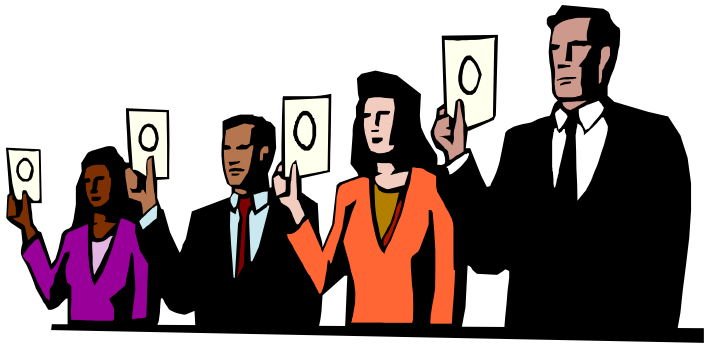
FULL AND OPEN COMPETITION: Means that all responsible sources are permitted to compete.

- The law (CICA and FAR Part 6) states that contracting officers shall promote and provide for full and open competition in soliciting offers and awarding Government Contracts.

SAP and Competition

SIMPLIFIED ACQUISITION PROCEDURES
(Exempt from FAR Part 6)

- FAR Part 13.104 states that the contracting officer sha
promote competition to the maximum extent practicable



SAP and Sole Source

Documentation required (AF Guide, Simplified Acquisiti
Procedures (Jun 02)):

4 Point justification for sole-source

Or commonly known as Sole Source Justification Docume

4 Points Include:

1. Brief, non-technical description of purchase
2. Clear, concise statement of the facts justifying sole-so
   Examples
   - Urgency – time constraints and reason only one so
     can meet the requirement
   - Unique capabilities of the contractor and why these
     capabilities are needed

SAP and Sole Source

4 Points Include (continued):

3. Statement that proposed source is only known source t
   can satisfy the government need
4. Statement of actions to be taken by requiring activity t
   preclude the necessity for procuring sole source in the
   future

NOTES:

- Not required if screening has been accomplished IAW
  DOD Spare Parts Breakout Program (DFARS App E)
- Contracting Officer, not requiring activity, is the **final** a
  for determining adequacy of any sole source justificatio
  before awarding the contract

SAP and Commercial

FAR Part 13.5 authorizes, as a test program, use of simplified procedures for the acquisition of commercial supplies and services up to $5M. However, for commer purchases over $100,000, **a J&A is required** (not a Sole Source Justification Letter). See FAR 13.501 for additional information.

Competition Requirements

- Ways to compete: (FAR 6.1)
  - Sealed Bids
  - Competitive Proposals
  - Combination of competitive procedures
  - Other competitive procedures

- Full and open competition after exclusion of sources:
  (FAR 6.2)
  - Establishing or maintaining alternate sources
  - Set-asides for small business concerns
  - Section 8(a) competition
  - Set Asides for HUBZone Small Business Concerns

- Other Than Full and Open Competition (FAR 6.3)

Exceptions Permitting Other Than Full & Open Competition

(FAR Part 6)

1. Only one responsible source (or a limited number)
2. Unusual and compelling urgency
3. Industrial mobilization; or engineering, developmental or research capability; or expert servic
4. International agreement
5. Authorized or required by statute
6. National security
7. Public interest

Only One Responsible Source

(FAR 6.302-1)

- Only Available from one or a limited number of responsible sources
  - Unsolicited research proposal
  - Follow-on for continued development or production of major system or highly specialized equipment
  - Follow-on for continued provision of highly specialized services

Unusual & Compelling Urgency (FAR 6.302-2)

- Unusual and compelling urgency precludes full and open competition
- Award delay would result in serious injury, financial or otherwise to the Government

Exceptions to Full & Open Competition

DOCUMENTATION REQUIRED:

- Justification and Approvals (J&As) are required for authorities 1, 2, 3, and 6 and may be required for 5.

- A Determination and Finding (D&F) is required for authority 7.
- An International Agreement Competitive Restrictions (IACR) is required for authority 4. Note: IACR document should be signed by the preparer, contracting officer and technical requirements personnel and included in

J&A Overview

- J&A obtains approval for contracting without full and open competition
- J&A shows effort to compete
- Stand-alone document

WRITING J&As

- Use template as guide
- Avoid redundancy
- Use current information

Justification and Approvals

J&A FORMATS

- Local format for J&As under $50M (2 part format)
- Secretarial format for J&As over $50 M (13 Para J&A)
- IACR format for Authority 4 - International Agreement
- J&A for Insurance Buy Procedures
- Templates available at:
  http://pkec.robins.af.mil/pr/crdocs/crdocs.htm

NOTE: The templates are made up of choices and blank
These are not meant to be fill in the blank. Only include
the information that applies to your acquisition.

Justification and Approvals

PART I: Requirements Personnel Information/Certificatio

- Para I. - Heading
- Para II. - Nature of the Action
- Para III. - Description of Requirement
- Para IV. - Statutory Authority
- Para V. - Demonstration that authority is appropriate

Justification and Approvals

- Para VI. - Efforts taken to add additional sources or to s
from as many sources as possible

- Para VII. - Market Research

- Para VIII. - Other pertinent facts supporting use of the
authority

- Para IX. - Actions currently in progress or which will be t
to remove the competitive barriers on subsequent actio

- Para X. – Certification that the information in Part I is co
and accurate

Justification and Approvals

PART II: Contracting Officer's Information/Certification

1. Other than Full and Open Competition; Authority
2. Contracting Methodology to be used (Firm Fixed Price or Other)
3. Pricing methodology to determine Fair and Reasonabl price
4. Estimated cost revision (if any)
5. Sources to be solicited. Whether or not the purchase exempt from synopsis.
6. Contracting Officer's certification that the information accurate and complete to the best of his/her knowled

Justification and Approvals

Approval Thresholds for J&As:

Contracting Officer	$100,000-$500,00
Competition Advocate	$500,000-$10M
ALC/CC/CD/CV; DAC; PEO	$10M - $50M
Secretary of the Air Force	over $50M

The current approval thresholds and delegations are listed at our website:

http://pkec.robins.af.mil/pr/cr.htm

J&As and Market Research

Market research is key to justifying sole source. Before we can decide that no other company can perform our requirement, we have to search the market to see if ot sources could be capable of meeting our needs and whether the item / service is commercial. J&As must document market research:

What research was performed
Results from research that support sole-source

MARKET RESEARCH

(FAR 10)

PURPOSE:

- Identify alternate sources of supply for competitive acquisition strategies
- Identify existing commercial products or services which fulfill needs or could fulfill needs with modifications
- Identify non-developmental solutions
- Identify new or appropriate technologies
- Identify level of market competition
- Identify standard or prevailing industry practices

MARKET RESEARCH
USEFUL WEBSITES

- https://wwwmil.robins.af.mil/AE/
- https://afkm.wpafb.af.mil/ASPs/Gameboard/
- http://pkec.robins.af.mil/ast/Coe/mrlinks.htm

- The Competition/Commercial Advocate's job is **NOT** to delay your buy.
- It IS our job to work WITH you to increase a requirement's competitive/commercial viability

Conclusion

- Be aware of emphasis on finding commercial sources/alternatives
- Help customers with market research
- Sole source sometimes necessary
- Use Comp/Commercial Adv if need help

Justification and Approvals

Competition Advocate Website:

http://pkec.robins.af.mil/pr/cr.htm

For information or questions regarding the J&A process, contact

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